

Overview of Low Power Radio Actions Needed
August 2004



Congress

Hard work across the board helped to pass S.2505 out of the Senate Commerce Committee. Additional outreach by the Commission is needed to enhance S.2505's passage through Congress.

Translators

If the Commission successfully regains its power to authorize LPFM stations on third adjacent channels, the Commission must take steps to preserve some third adjacent channels for LPFM stations. The Commission accepted applications for translators in March 2003. If these applications are granted, they will virtually eliminate opportunities to expand LPFM on third-adjacent channels.

LPFM advocates have set forth several recommendations for the Commission to remedy this situation. Specifically, LPFM advocates request that the Commission:

- ❖ Immediately freeze processing all translator applications.
- ❖ Review the relative priority of LPFM stations and translators. Several options have been proposed, which could be modified if needed:
 - Conclude LPFM stations that offer local programming are primary to translators; or
 - Conclude LPFM stations are primary to translators that are "distant translators," which are more than 400 kilometers away, and in a different state from the originating signal of the station; or
 - Conclude LPFM stations are primary to translators repeat the same original signal more than 10 times.

This action is firmly within the Commission's authority. *See, e.g., Bachow Communications, Inc. v. F.C.C.*, 237 F.3d 683 (D.C. Cir. 2001). Without it, LPFM expansion will be nipped in the bud before Congress gets a chance to act.

Additional Action

- Extend LPFM construction permits to three years or allow waivers to extend them. Currently full power CPs or grant an extension for the length of a LPFM construction permit (CP). The short 18 month CP is not long enough and is causing some CPs to go to waste.
- Modify rules so that typical board changes on a non-profit board do not result in a transfer of control under the Commission's rules.
- Take action to grant more flexibility to LPFM applications and to LPFM stations and applicants that are bumped by stations with greater priority. For example, the translator contour method, directional antennas, and more generous minor change rules will create more space for LPFMs and keep the ones that are on the air now.
- Presently the FCC has issued confusing guidance about whether LPFM stations must follow more restrictive equipment rules. The Commission required LPFM stations to use "certified" equipment, although all other FM stations require only "verified" equipment. This makes it very difficult for LPFM stations to procure the appropriate equipment.
- Currently, LPFM stations are required to buy expensive EAS equipment. This was not the Commission's original intent. Changes to the certification requirement for EAS equipment would allow production of cheap equipment that is within the capacity of LPFM stations and would alert the public in case of emergency.